

U.S. Patent Application No. 10/675,444
Supplemental Amendment and Interview Summary

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Giese et al.

Art Unit: 1648

Serial No.: 10/675,444

Examiner: Louise
Wang Zhiying
Humphrey

Filing Date: September 30, 2003

Atty. Docket No.
103-001PUS

Title: Equine Arteritis Virus Vaccine

Confirmation No.
7837

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Valerie Neymeyer-Tynkov

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT AND INTERVIEW SUMMARY

This Supplemental Amendment relates to the Office Action issued March 19, 2010 and the Advisory Action issued May 27, 2010 in the above-referenced application. An extension of term for responding to the March 19 Action from June 19, 2010 to August 19, 2010 is included with the filing of this Amendment. In the event that any further fees are considered as due, the Commissioner is authorized to charge Deposit Account No. 50-4939.

An **INTERVIEW SUMMARY** begins on page 2 of this paper.

REMARKS/ARGUMENTS begin on page 3 of this paper.

An **APPENDIX** begins after page 12 of this paper.

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INTERVIEW SUMMARY

A telephone interview occurred on June 1, 2010 with Examiner Louise Humphrey, Supervisory Examiner Zachariah Lucas, and the undersigned attorney Mrs. Valerie Neymeyer-Tynkov participating in the call.

The general thrust of the interview was to discuss the March 19, 2010 Office Action and May 19 response. Mrs. Neymeyer-Tynkov advised the interview was requested to address comments made by the Examiner in the March 19, 2010 Action, particularly regarding Tobiasch Table 2, as also mentioned in the response to the Action filed May 19, 2010. Specifically, page 8 of the March 19 Action states that arguments filed in this application on November 2010 are unpersuasive because

... the '30% immune response' quoted by the Applicant is the result when the neutralizing titer 1:20 is excluded, but the amount of immune response including the neutralizing titer 1:20 is actually 70%.... Consequently, the difference in the amount of immune response generated by ORF5 or ORF7 alone and by the combination of ORF5+ORF7 is not as substantial as Applicant asserted.

During the interview, Mrs. Neymeyer-Tynkov expressed concern that the Examiner had not fully understood Tobiasch Table 2, as the 70% number referenced by the Examiner (data including neutralizing titer) could not be properly compared with other data discussed as the other data did not include the neutralizing titer. According to Mrs. Neymeyer-Tynkov's understanding, Examiner Humphrey advised during the interview that she understood that the 30% number was to be considered with the other data as discussed in Applicant's November 2010 arguments, but did not agree that the diminished immune response teaches away from the present invention.

No agreement with regard to the claims was reached during this interview. Mrs. Neymeyer-Tynkov again thanks Examiner Humphrey and Supervisor Lucas for their time in participating in the telephone call.